

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHOENIX BULK CARRIERS LTD., :

Plaintiff, :

- against - :

KREMIKOV TZI TRADE, :

Defendant. :
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05 Civ. 9559 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

Plaintiff commenced this action on November 14, 2005 by filing a complaint and obtaining an ex parte order of attachment from this Court against certain assets of Kremikovtzi Trade ("Kremikovtzi") in the amount of \$883,717.24, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

On January 31, 2006, GSHL Bulgaria S.A. ("GSHL"), a non-party, sent a letter to the Court asserting that Plaintiff's attachment order had, due to a bank error, resulted in the wrongful attachment of GSHL's assets. According to GSHL, rather than vacating the attachment, Plaintiff had served a subpoena on the Bank of New York seeking discovery pertaining to GSHL's banking activity. GSHL indicated that it was contemplating a motion to vacate the attachment and to quash or modify the subpoena, and requested a pre-motion conference to discuss its contemplated motions.

On February 3, 2006, responding to GSHL's letter, Plaintiff wrote to the Court asserting that GSHL owned and controlled Kremikovitzi and that Plaintiff was entitled to discovery to substantiate its position. Also on February 3, 2006, GSHL entered a notice of restricted appearance pursuant to Supplemental Rule E(I) for the purpose of moving this Court to vacate the attachment of funds allegedly belonging to GSHL and quash or modify the subpoena issued by Plaintiff to the Bank of New York for GSHL banking records and correspondence.

The Court held a conference on February 16, 2006 to address the dispute between Plaintiff and GSHL. As stated at the conference, it is hereby

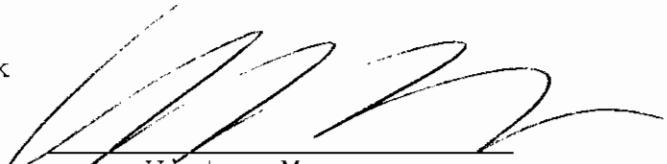
ORDERED that the request of GSHL Bulgaria S.A. to quash or modify the subpoena is DENIED; and it is further

ORDERED that Plaintiff shall have until March 30, 2006 to complete the discovery sought by its subpoena; and it is finally

ORDERED that any discovery disputes shall be directed to Magistrate Judge Pitman, to whom this case is referred for oversight of any disputes regarding the scope of discovery.

SO ORDERED.

Dated: New York, New York
17 February 2006



Victor Marrero
U.S.D.J.